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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

UNITED STATES OF AMERICA,	)	NO. CR 23-269-3
Plaintiff,	)	<b>ORDER GRANTING</b>
	)	STIPULATION TO EXCLUDE TIME FROM
v.	)	APRIL 1, 2025, TO AUGUST 4, 2025, <del>AND</del>
	)	<del>[PROPOSED] ORDER</del>
(3) DEVON CHRISTOPHER WENGER,	)	
Defendant.	)	<b>Re: Dkt. No. 453</b>

It is hereby stipulated by and between counsel for the United States and counsel for the defendant DEVON CHRISTOPHER WENGER, that time be excluded under the Speedy Trial Act from April 1, 2025, through August 4, 2025.

Attorney Michael Schwartz moved to substitute as counsel in this case on April 1, 2025, and the Court granted that motion on April 2, 2025. During a status conference held on May 6, 2025, this Court continued defendant Wenger's re-trial from July 21, 2025 to August 4, 2025. At that status conference, government and counsel for the defendant agreed that time be excluded under the Speedy Trial Act so that defense counsel could continue to prepare, including by reviewing the discovery already produced

and prepare the defendant's case for trial. For this reason and as further stated on the record at the status conference, the parties stipulate and agree that excluding time from April 1, 2025, until August 4, 2025, will allow for the effective preparation of counsel and continuity of counsel. *See* 18 U.S.C. § 3161(h)(7)(B)(iv). The parties further stipulate and agree that the ends of justice served by excluding the time from April 1, 2025, through August 4, 2025, from computation under the Speedy Trial Act outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A), (B)(iv).

The undersigned Assistant United States Attorney certifies that they have obtained approval from counsel for the defendant to file this stipulation and proposed order.

IT IS SO STIPULATED.

DATED: 5/9/25

/s/  
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 ERIC CHENG  
 ALETHEA SARGENT  
 AJAY KRISHNAMURTHY  
 Assistant United States Attorneys

DATED: 5/9/25

/s/  
 \_\_\_\_\_  
 MICHAEL SCHWARTZ  
 KASEY CASTILLO  
 Counsel for Defendant DEVON WENGER


~~[PROPOSED]~~ ORDER

Based upon the facts set forth in the stipulation of the parties and the representations made to the Court on May 6, 2025, and for good cause shown, the Court finds that failing to exclude the time from April 1, 2025, through August 4, 2025, would unreasonably deny defense counsel and the defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence as well as for continuity of counsel. 18 U.S.C. § 3161(h)(7)(B)(iv). The Court further finds that the ends of justice served by excluding the time from April 1, 2025, until August 4, 2025, from computation under the Speedy Trial Act outweigh the best interests of the public and the defendant in a speedy trial.

1 Therefore, and with the consent of the parties, IT IS HEREBY ORDERED that the time from April 1,  
2 2025, until August 4, 2025, shall be excluded from computation under the Speedy Trial Act. 18 U.S.C. §  
3 3161(h)(7)(A), (B)(iv).

4 IT IS SO ORDERED.

5  
6 DATED: May 12, 2025

  
HON. JEFFREY S. WHITE  
United States District Judge